

KENTUCKY DEPARTMENT OF EDUCATION
STAFF NOTE

Action/Discussion Item:

702 KAR 7:065, Designation of Agent to Manage High School Interscholastic Athletics and Revisions in Kentucky High School Athletic Association Bylaws (Final)

Applicable Statute or Regulation:

KRS 156.070
702 KAR 7:065
KHSAA Bylaws

History/Background:

Existing Policy. 702 KAR 7:065 (Attachment B) designates the KHSAA as the entity to manage interscholastic athletics. This regulation also requires that the Association conduct a biennial review of its bylaws, and such was done during the later months of the 2005-2006 school year and the early meetings of the 2006-2007 school year by the Board of Control. Both the KHSAA Bylaws and Constitution are incorporated by reference within 702 KAR 7:065.

The proposed changes to the Bylaws (Attachment A) that received the requisite 2/3 vote reflect items that were presented to the membership of the Association at its October Annual Meeting. Items are submitted both by the Board of Control as part of its annual review, and by the member schools, and are reviewed by the Board of Control prior to the development of the final agenda. At the meeting of the member schools, 257 schools were present; therefore, all proposals required 172 votes for passage. In accordance with the KHSAA Constitution and Policies and Procedures, as well as the requirements of 702 KAR 7:065, any amendment receiving the requisite vote of the membership is to be considered by the Board of Control and a recommendation made to the Kentucky Board of Education for further action.

In accordance with these procedures, the following amendments to the KHSAA Bylaws were approved by the listed votes and are summarized below. Attachment A contains the full language changes proposed to the bylaws. These amendments have been considered by the Board of Control (BOC) of the KHSAA for implementation during the 2007-08 school year and received the requisite vote of the Board of Control. It should be noted that proposal 2 is recommended for final implementation with the entering 7th grade class of 2008-2009.

Proposal	Author	Purpose	Vote	BOC
1	KHSAA Board of Control	A proposal to clarify the language regarding the requirement of being a full-time student contained in Bylaw 4.	249 yes, 5 no, 1 abstain, 2 present	Adopted by the Board of Control 17-0-1
2	KHSAA Board of Control	Proposed by the Board of Control at the request of selected members of the 2005-2006 Task Force on Interscholastic Issues. An amendment to Bylaw 4 to require each member school to have a defined athletic territory composed of students from feeder schools with defined restrictions and exceptions. Effective with the 7 th grade class of 2008-2009.	202 yes, 53 no, 0 abstain, 2 present	Adopted by the Board of Control 13-4

Proposal	Author	Purpose	Vote	BOC
5	Jim Sexton, Eastern HS	An amendment to Bylaw 8 to specify that if a student participates on a school team, the student may not also compete during that sports season on an outside team in the same sport. This provision would apply to baseball, basketball, football, soccer, softball and volleyball.	184 yes, 70 no, 1 abstain, 2 present	Adopted by the Board of Control 13-4
6	KHSAA Board of Control	An amendment to Bylaw 9 to specify that ineligible students may not be used in any school-based or school-funded competition during the period of ineligibility. Previously, competition was only specifically prohibited by ineligible students during the school year, but this change will ensure that school funding and resources are not expended for ineligible students.	200 yes, 51 no, 3 abstain, 3 present	Adopted by the Board of Control 17-0
7	KHSAA Board of Control	A technical amendment to Bylaw 10 to remove actions by school personnel dealing solely with already enrolled students from the restricted activities. Previously, there were specific restrictions precluding a school representative from addressing members of his/her own school about remaining at that school.	235 yes, 16 no, 3 abstain, 3 present	Adopted by the Board of Control 17-0
9	KHSAA Board of Control	A technical amendment to Bylaw 17 to take compliance provisions and assurances from the membership application to the body of Bylaw 17. This change compels member schools to comply with Board of Control mandated programs such as Title IX reporting and Sports Medicine initiatives even if they previously did not have bylaw coverage.	218 yes, 33 no, 3 abstain, 3 present	Adopted by the Board of Control 16-0-1
10	KHSAA Board of Control	An amendment to Bylaw 25 to revise the manner in which contests/games are counted in baseball and eliminate the confusing language regarding double and single elimination tournaments. The net effect (maximum games) under this proposal would not differ from current wording.	243 yes, 9 no, 1 abstain, 4 present	Adopted by the Board of Control 17-0
12	KHSAA Board of Control	An amendment to Bylaw 25 to revise the manner in which contests/games are counted in fast pitch softball and eliminate the confusing language regarding double and single elimination tournaments. The net effect (maximum games) under this proposal would not differ from current wording.	245 yes, 7 no, 1 abstain, 4 present	Adopted by the Board of Control 17-0
13	Gale Travis, Madisonville North Hopkins High School	An amendment to Bylaw 25, to combine the limitations contained in Indoor and Outdoor Track Seasons into one rule.	219 yes, 23 no, 7 abstain, 8 present	Adopted by the Board of Control 17-0

Proposal	Author	Purpose	Vote	BOC
14	KHSAA Board of Control	A technical amendment to Bylaw 25 to take the National Federation Stunt Limit Restrictions and codify them into the Bylaw. These restrictions have been contained in the insurance provisions and Board of Control policies and this amendment shifts them to the Bylaws for clarity and emphasis.	237 yes, 8 no, 3 abstain, 9 present	Adopted by the Board of Control 17-0
15	KHSAA Board of Control	An amendment to Bylaw 27 regarding coaches to maintain the pre-hire qualifications and post-hire requirements but remove the procedural hiring provisions. These procedural provisions are not under the jurisdiction of the KHSAA and have become outdated.	235 yes, 12 no, 1 abstain, 9 present	Adopted by the Board of Control 17-0
16	KHSAA Board of Control	An amendment to Bylaw 29 to add swimming to the list of sports in which licensed officials must be used.	213 yes, 33 no, 2 abstain, 9 present	Adopted by the Board of Control 17-0
17	Phil Rison, Montgomery County High School	An amendment to Bylaw 33 to clarify the appropriateness (or lack thereof) of fines for certain offenses, and reiterate the option of using additional provisions already contained in the regulations.	181 yes, 67 no, 1 abstain, 8 present	Adopted by the Board of Control 17-0

In accordance with these procedures, the following amendments to the KHSAA Constitution were approved by the listed votes and are summarized below. Attachment A contains the full proposed language changes to the Constitution. These amendments have been considered by the Board of Control (BOC) of the KHSAA for implementation during the 2007-08 school year and received the requisite vote of the Board of Control. It should be noted that the deadline date in proposal 19 is recommended for implementation during the planning for the 2008 Annual Meeting of Schools.

Proposal	Author	Purpose	Vote	BOC
18	KHSAA Board of Control	A technical amendment to the Constitution to reduce the number of mandatory Board of Control meetings from six (6) to four (4). While this change may have little impact under the current structure, this proposal would allow alternative planning should the size of the Board of Control ever be revised.	209 yes, 36 no, 3 abstain, 9 present	Adopted by the Board of Control 17-0
19	KHSAA Board of Control	An amendment to the Constitution to change the deadline date for proposed amendments to the Constitution and Bylaws to May 1 to allow for distribution, review, discussion and debate among all related constituencies prior to the Annual Meeting.	198 yes, 49 no, 2 abstain, 8 present	Adopted by the Board of Control 17-0
20	Arthur Ballard, Estill County High School	An amendment to the KHSAA Constitution to compel the publishing of the agenda and detailed minutes of the Board of Control in a timely manner for the membership to view via the KHSAA web site.	238 yes, 10 no, 1 abstain, 8 present	Adopted by the Board of Control 17-0

In accordance with the KHSAA Constitution and Policies and Procedures, the following amendment to the KHSAA Constitution was approved by the listed vote by the delegates and is summarized below. The full proposed language change is found in Attachment A. Upon consideration, the Board of Control originally tabled consideration of this amendment until the November meeting and then tabled it again for consideration at the January meeting. Staff was directed to bring additional data to the Board of Control to analyze the fiscal and operational impact related to the enactment of this change and Board members researched other organization operations.

At its January meeting, the Board reviewed various issues related to this proposal. The Board then determined that at this time, it is recommending that the Kentucky Board of Education not implement Proposal 21. The Board has begun the process of reviewing its structure, meeting schedule, and representation system in an effort to address issues that may have prompted the submission of the proposal and is to prepare potential changes to the Constitution of the KHSAA prior to the Annual Meeting of the membership in October of 2007. The Board recognizes the concerns of the members regarding regional representation as well as the need to balance those concerns with the requirements of the Federal Consent Decree of 1971 as amended in 1987. The Board also respects the legislative process contained in the Constitution as it relates to the membership vote on issues, but is compelled by both 702 KAR 7:065 and the KHSAA Constitution to thoroughly review potential changes and act in a manner that gives clear direction to the Kentucky Board of Education. The Board of Control noted several potential issues related to the possible adoption of Proposal 21 that it will address as it crafts alternative proposals, including but not limited to:

- The financial impact to the Association general fund and ultimately to the membership, must be considered, particularly given that all seated Board members must currently be involved in the eligibility review process under the provisions of KRS Chapter 13B and the Due Process Procedure, and such meetings must be conducted at least monthly in order to act in a timely manner;
- The possibility of amending the KHSAA Constitution, and 702 KAR 7:065 to restrict members to one term on the Board should be discussed, thereby addressing regional representation in an alternate manner by having a specified rotation in place;
- The operational changes necessary, including meeting location and logistics, of meeting with a larger board must be reviewed and the real and perhaps unintended effect of potentially diluting the input of those very groups who desire representation, should be factored into discussion;
- The possibility of requiring scheduled meetings to be held with various regional constituent groups to ensure a comprehensive communication plan must be analyzed;
- The potential must be recognized or remedied that increasing the designated members of the Board of Control could lead to disproportionate representation of certain geographic areas of the state.

Proposal	Author	Purpose	Vote	BOC
21	Ron Madrick, Holmes High School	An amendment to the KHSAA Constitution to increase membership on the Board of Control.	174 yes, 65 no, 3 abstain, 15 present	Recommended 9-7 that this not be implemented at this time.

In accordance with these procedures, the following amendments to the KHSAA Bylaws were approved by the listed votes in a referendum of the membership conducted in May of 2006 and are summarized below. The full proposed language changes for the referendums are found in Attachment A. These proposals were agreed to by consensus when the Task Force of Public and Non-Public schools met during the 2005-2006 school year. These amendments have been considered by the Board of Control (BOC) of the KHSAA for implementation during the 2008-09 school year due to the need for an adequate phase-in and educational period following the receipt of regulatory approval.

Referendum	Author	Purpose	Vote	BOC
1	KHSAA Board of Control on behalf of the Task Force on Interscholastic Athletics	A proposal to codify the restrictions on need based financial aid. These restrictions have previously been contained in the interpretations of KHSAA Bylaw 10 (Recruitment), but would now be listed as a new Bylaw 7. This rule makes it clear what types of aid are permissible in order to preserve interscholastic athletic eligibility. The previous Bylaw 7 will be merged with provisions within Bylaw 9.	139 yes, 19 no	Adopted by the Board of Control 17 - 0
2	KHSAA Board of Control on behalf of the Task Force on Interscholastic Athletics	A proposal to amend Bylaw 6 to apply the period of ineligibility following transfer (one year) to students who have played for a high school while enrolled below grade nine and then enter a different school upon entry into the 9 th grade without meeting defined Bylaw 6 exceptions. This proposal addresses concerns about student-athletes "playing up" to the high school level and then not enrolling in that high school in the 9 th grade, an issue that has caused considerable discussion within the membership of the association.	124 yes, 36 no	Adopted by the Board of Control 17 - 0

At its November 17, 2005 meeting, the Board of Control voted 14-1 with three members absent to approve Proposal 3 from the 2005 Annual Meeting (listed below) regarding participation by non-Kentucky resident students. This approval included the following additional provisions:

- 1) the rule shall not apply to students ruled eligible under Bylaw 6, Section 1 (e) (boarding school students);
 - 2) the rule shall not apply to students ruled eligible under Bylaw 6, Section 2 (Foreign Exchange Students) either through an approved agency or through the Due Process Procedure; and
 - 3) the stipulation in the last line of the proposal referring to grade four (4) shall be changed to grade six (6).
- In addition, the Board of Control approved implementation upon approval through the regulatory process, but indicated to exempt those students already enrolled in a member school system who are enrolled beyond the sixth grade as of the effective date. When considered by the Kentucky Board of Education for approval following the 2005 Annual Meeting, the matter was referred back to the KHSAA in order that issues surrounding this proposal would be considered by the Task Force of 2005-2006.

Subsequent to this action in November 2005, the Board of Control proposed 2006 Proposal 2, which upon review, conflicts with the provisions of 2005 Proposal 3. Therefore, at this time, the Board of Control has voted that its support for implementation of Proposal 3 (summarized below) from 2005 be rescinded. If proposal 2 for 2006 is not enacted, the Board of Control will bring alternate action back to the Kentucky Board of Education regarding 2005 Proposal 3.

Proposal	Author	Purpose	Vote	BOC
3	Mark Swift, Ashland Blazer High School	An amendment to KHSAA Bylaw 4 to specify that the primary custodial residence of the student-athlete and family must be in Kentucky in order to be eligible.	189 yes, 75 no, 1 abstain, 9 present	Adopted by the Board of Control 14-1 during the 2005-2006 school year; Subsequently, Board of Control rescinded support for Proposal 3

The staff of the KHSAA certifies that the Board of Control has taken action on these items as documented by the minutes of Board of Control meetings.

Groups Consulted and Brief Summary of Responses:

KHSAA Board of Control
KHSAA Annual Meeting Delegate Assembly
Local Superintendents Advisory Council

All affected groups have concurred and approved the revisions.

Impact on Getting to Proficiency:

Athletics contribute to the overall physical health of students and therefore affect their ability to perform academically.

Contact Person:

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Recommending Contact Person

Interim Commissioner of Education

Date:

April 2007